

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1) VIDEO GAMING TECHNOLOGIES, INC.,)
)
)
 Plaintiff,)
)
)
 v.) Case No. 4:17-cv-00454-GKF-jfj
)
 1) CASTLE HILL STUDIOS LLC)
 (d/b/a CASTLE HILL GAMING);)
 2) CASTLE HILL HOLDING LLC)
 (d/b/a CASTLE HILL GAMING); and)
 3) IRONWORKS DEVELOPMENT, LLC)
 (d/b/a CASTLE HILL GAMING))
)
 Defendants.)

**DECLARATION OF GARY RUBMAN IN SUPPORT OF PLAINTIFF'S
RESPONSE AND BRIEF IN OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

1. I am an attorney with the law firm of Covington & Burling LLP, counsel for Plaintiff Video Gaming Technologies, Inc. (“VGT”).
2. Attached as **Exhibit 101** is a true and correct copy of excerpts from the deposition testimony of James T. Berger, dated September 26, 2018.
3. Attached as **Exhibit 102** is a true and correct copy of excerpts from the deposition testimony of Brandon Booker, dated July 10, 2018.
4. Attached as **Exhibit 103** is a true and correct copy of excerpts from the deposition testimony of Sarah Carlson, dated June 21, 2018.
5. Attached as **Exhibit 105** is a true and correct copy of excerpts from the deposition testimony of Daniel Fulton, dated May 31, 2018.
6. Attached as **Exhibit 106** is a true and correct copy of excerpts from the deposition testimony of Larry Dwayne Graham, dated May 15, 2018.

7. Attached as **Exhibit 107** is a true and correct copy of excerpts from the deposition testimony of Joshua Larson, dated April 24, 2018.

8. Attached as **Exhibit 108** is a true and correct copy of excerpts from the deposition testimony of Butch McGill, dated May 10, 2018.

9. Attached as **Exhibit 109** is a true and correct copy of excerpts from the deposition testimony of David Robert Marsh, dated May 2, 2018.

10. Attached as **Exhibit 110** is a true and correct copy of excerpts from the deposition testimony of Seth Morgan, dated July 13, 2018.

11. Attached as **Exhibit 111** is a true and correct copy of excerpts from the deposition testimony of Ryan North, dated April 26, 2018.

12. Attached as **Exhibit 112** is a true and correct copy of excerpts from the deposition testimony of Alan R. Roireau, dated May 15, 2018.

13. Attached as **Exhibit 113** is a true and correct copy of excerpts from the deposition testimony of Andrew Scheiner, dated April 19, 2018.

14. Attached as **Exhibit 114** is a true and correct copy of excerpts from the deposition testimony of Jay Sevigny, dated July 12, 2018.

15. Attached as **Exhibit 115** is a true and correct copy of excerpts from the deposition testimony of Richard Sisson, dated April 17, 2018.

16. Attached as **Exhibit 116** is a true and correct copy of excerpts from the 30(b)(6) witness deposition testimony of Richard Sisson, dated August 2, 2018.

17. Attached as **Exhibit 117** is a true and correct copy of excerpts from the deposition testimony of Jason Sprinkle, dated May 18, 2018 and July 11, 2018.

18. Attached as **Exhibit 118** is a true and correct copy of excerpts from the deposition testimony of James Starr, dated May 23, 2018.

19. Attached as **Exhibit 119** is a true and correct copy of excerpts from the deposition testimony of Paul Suggs, dated June 8, 2018.

20. Attached as **Exhibit 120** is a true and correct copy of excerpts from the deposition testimony of John R. Taylor, III, dated May 30, 2018.

21. Attached as **Exhibit 121** is a true and correct copy of excerpts from the deposition testimony of Joseph Valandra, dated September 27, 2018.

22. Attached as **Exhibit 122** is a true and correct copy of excerpts from the deposition testimony of Arthur A. Watson, III, dated July 12, 2018.

23. Attached as **Exhibit 124** is a true and correct copy of excerpts from the deposition testimony of George Weilacher, dated February 16, 2018.

24. Attached as **Exhibit 125** is a true and correct copy of excerpts from the 30(b)(6) deposition testimony of Richard Williamson, dated October 2, 2018.

25. Attached as **Exhibit 126** is a true and correct copy of excerpts from the deposition testimony of Dr. Yoram (Jerry) Wind, dated September 20, 2018.

26. Attached as **Exhibit 127** is a true and correct copy of excerpts from the deposition testimony of Jon Yarbrough, dated July 11, 2018.

27. Attached as **Exhibit 128** is a true and correct copy of VGT's Deposition Ex. 5 (including Deposition Exs. 5A and 5B), which was used during the deposition of Aaron Milligan on February 9, 2018, and is marked with Bates numbers CHG0008300-346.

28. Attached as **Exhibit 129** is a true and correct copy of VGT's Deposition Ex. 38, which was used during the deposition of Aaron Milligan on February 9, 2018, and is marked with Bates numbers CHG0008379-80.

29. Attached as **Exhibit 132** is a true and correct copy of VGT's Deposition Ex. 18, which was used during the deposition of Aaron Milligan on February 9, 2018, and is marked with Bates number CHG0008779-81.

30. Attached as **Exhibit 133** is a true and correct copy of VGT's Deposition Ex. 20, which was used during the deposition of Aaron Milligan on February 9, 2018, and is marked with Bates number CHG0008922.

31. Attached as **Exhibit 134** is a true and correct copy of VGT's Deposition Ex. 256, which was used during the deposition of Alan Roireau on May 15, 2018, and is marked with Bates number CHG0023869.

32. Attached as **Exhibit 135** is a true and correct copy of VGT's Deposition Ex. 85, which was used during the deposition of Jason Sprinkle on May 18, 2018, and is marked with Bates number CHG0033528.

33. Attached as **Exhibit 136** is a true and correct copy of VGT's Deposition Ex. 410, which was used during the deposition of Jason Sprinkle on July 11, 2018, and is marked with Bates numbers CHG0090196-219.

34. Attached as **Exhibit 137** is a true and correct copy of VGT's Deposition Ex. 103, which was used during the deposition of Jason Sprinkle on July 11, 2018, and is marked with Bates numbers CHG0090613-15.

35. Attached as **Exhibit 138** is a true and correct copy of VGT's Deposition Ex. 395, which was used during the deposition of Brandon Booker on July 10, 2018, and is marked with Bates numbers CHG0123758-59.

36. Attached as **Exhibit 141** is a true and correct copy of VGT's Deposition Ex. 399, which was used during the deposition of Brandon Booker on July 10, 2018, and is marked with Bates numbers CHG0124634-35.

37. Attached as **Exhibit 142** is a true and correct copy of VGT's Deposition Ex. 474, which was used during the deposition of Seth Morgan on July 13, 2018, and is marked with Bates numbers CHG0124177-184.

38. Attached as **Exhibit 143** is a true and correct copy of excerpts from the 30(b)(6) deposition testimony of Alan R. Roireau, dated August 1, 2018.

39. Attached as **Exhibit 145** is a true and correct copy of VGT's Deposition Ex. 129, which was used during the deposition of Zach Trover on February 9, 2018, and is marked with Bates numbers CHG0041144-45.

40. Attached as **Exhibit 146** is a true and correct copy of VGT's Deposition Ex. 244, which was used during the deposition of Alan Roireau on May 15, 2018, and is marked with Bates numbers CHG0023446-47.

41. Attached as **Exhibit 147** is a true and correct copy of excerpts from the deposition testimony of Will Harvie, dated June 15, 2018.

42. Attached as **Exhibit 148** is a true and correct copy of a VGT spreadsheet, which was produced by VGT in discovery and is marked with Bates number VGT0018916. Exhibit 148 has been filed conventionally on Exhibit 267.

43. Attached as **Exhibit 149** is a true and correct copy of excerpts from VGT's Sixth Supplemental Objections and Responses to CHG's First Set of Interrogatories.

44. Attached as **Exhibit 150** is a true and correct copy of a document produced by VGT in discovery and marked with Bates number VGT0001708-09.

45. Attached as **Exhibit 152** is a true and correct copy of VGT's Valandra Deposition Exhibit 19, which was used during the deposition of Joseph Valandra on September 27, 2018, and is marked with Bates numbers VGT0056100-01.

46. Attached as **Exhibit 153** is a true and correct copy of CHG's Kovach Deposition Exhibit 4, which was used during the deposition of Don Kovach on August 2, 2018, and is marked with Bates number VGT0056091.

47. Attached as **Exhibit 154** is a true and correct copy of excerpts of documents produced by VGT during discovery and marked with Bates numbers VGT0007683-97, 7964-73, 8068-75, and 8181-82.

48. Attached as **Exhibit 155** is a true and correct copy of a spreadsheet produced by VGT and marked with Bates number VGT0065517. Exhibit 155 has been filed conventionally on Exhibit 267.

49. Attached as **Exhibit 157** is a true and correct copy of images produced by VGT during discovery and marked with Bates numbers VGT0001732, VGT0013629.

50. Attached as **Exhibit 158** is a true and correct copy of excerpts from the deposition testimony of Stacy Friedman, dated September 24, 2018.

51. Attached as **Exhibit 159** is a true and correct copy of VGT's Deposition Exhibit 243, which was used during the deposition of Alan Roireau on May 15, 2018, and is marked with Bates numbers CHG0015304-331.

52. Attached as **Exhibit 160** is a true and correct copy of documents produced by VGT and marked with Bates numbers VGT0001661-87.

53. Attached as **Exhibit 162** is a true and correct copy of CHG's Deposition Exhibit 95, which was used during the deposition of James Starr on May 28, 2018 and is marked with Bates numbers VGT0007561-62.

54. Attached as **Exhibit 165** is a true and correct copy of VGT's Valandra Deposition Exhibit 21, which was used during the deposition of Joseph Valandra on September 27, 2018, and is marked with Bates number VGT0010623. Exhibit 165 has been filed conventionally on Exhibit 267.

55. Attached as **Exhibit 166** is a true and correct copy of VGT's Valandra Deposition Exhibit 20, which was used during the deposition of Joseph Valandra on September 27, 2018, and is marked with Bates number VGT0007548. Exhibit 166 has been filed conventionally on Exhibit 267.

56. Attached as **Exhibit 167** is a DVD containing a video file, which was used during the deposition of Joseph Valandra on September 27, 2018, and was obtained from <https://www.youtube.com/watch?v=oU9q8X9Uldc> on November 15, 2018. Exhibit 167 has been conventionally filed.

57. Attached as **Exhibit 168** is a true and correct copy of a VGT spreadsheet produced by VGT during discovery and marked with Bates number VGT0064927. Exhibit 168 has been filed conventionally on Exhibit 267.

58. Attached as **Exhibit 171** is a true and correct copy of VGT's Deposition Exhibit 89, which was used during the deposition of Jason Sprinkle on May 18, 2018, and is marked with Bates number CHG0090058.

59. Attached as **Exhibit 172** is a true and correct copy of VGT's Deposition Exhibit 416, which was used during the deposition of Jason Sprinkle on July 11, 2018, and is marked with Bates number CHG0019199.

60. Attached as **Exhibit 173** is a true and correct copy of VGT's Deposition Exhibit 75, which was used during the deposition of Jason Sprinkle on July 11, 2018, and is marked with Bates numbers CHG0090622-23.

61. Attached as **Exhibit 174** is a true and correct copy of a VGT spreadsheet produced by VGT in discovery and marked with Bates number VGT0018917. Exhibit 174 has been filed conventionally on Exhibit 267.

62. Attached as **Exhibit 175** is a true and correct copy of CHG's Kovach Deposition Exhibit 7, which was used during the deposition of Don Kovach on August 2, 2018 and is marked with Bates number VGT0056092.

63. Attached as **Exhibit 176** is a true and correct copy of a document produced by VGT during discovery and marked with Bates numbers VGT0052943-59.

64. Attached as **Exhibit 177** is a true and correct copy of a document produced by VGT during discovery and marked with Bates numbers VGT0052960-85.

65. Attached as **Exhibit 178** is a true and correct copy of documents produced by VGT during discovery and marked with Bates numbers VGT0007436-37.

66. Attached as **Exhibit 179** is a true and correct copy of a spreadsheet produced by VGT during discovery and marked with Bates number VGT0010605. Exhibit 179 has been filed conventionally on Exhibit 267.

67. Attached as **Exhibit 180** is a true and correct copy of documents produced by VGT during discovery and marked with Bates numbers VGT000096, VGT0000139-49, VGT0000153-165, VGT0000167-68, VGT0001693-1722, and VGT0007215-223.

68. Attached as **Exhibit 181** is a true and correct copy of documents produced by VGT during discovery and marked with Bates numbers VGT0007193-95, VGT0007291-92, VGT0007385-86, VGT0007413-14, VGT0007438-440, and VGT0007534-543.

69. Attached as **Exhibit 183** is a true and correct copy of a document produced by VGT during discovery and marked with Bates numbers VGT0053036-95.

70. Attached as **Exhibit 185** is a true and correct copy of CHG's Deposition Exhibit 157, which was used during the deposition of Jon Yarbrough on July 11, 2018, and is marked with Bates numbers VGT0010189-90.

71. Attached as **Exhibit 187** is a true and correct copy of the declaration of Constance Hollingsworth dated June 25, 2018, which was produced by VGT during discovery and is marked with Bates numbers VGT0056086-87.

72. Attached as **Exhibit 188** is a true and correct copy of a document produced by VGT during discovery and marked with Bates numbers VGT0007594-95.

73. Attached as **Exhibit 189** is a true and correct copy of the declaration of Josh Akins dated January 22, 2018, which was produced by VGT during discovery and is marked with Bates numbers VGT0006767-69.

74. Attached as **Exhibit 190** is a true and correct copy of CHG's Deposition Exhibit 6, which was used during the deposition of Craig Eubanks on April 25, 2018, and is marked with Bates numbers VGT0006762-64.

75. Attached as **Exhibit 191** is a true and correct copy of the declaration of Sheldon Watkins dated June 4, 2018, which was produced by VGT during discovery and is marked with Bates numbers VGT0053034-35.

76. Attached as **Exhibit 192** is a true and correct copy of a document produced by VGT during discovery and marked with Bates numbers VGT0007569-73.

77. Attached as **Exhibit 193** is a true and correct copy of VGT's Deposition Exhibit 257, which was used during the deposition of Alan Roireau on May 15, 2018, and is marked with Bates numbers CHG0024015-18.

78. Attached as **Exhibit 194** is a true and correct copy of VGT's Deposition Exhibit 98, which was used during the deposition of Aaron Milligan on February 9, 2018, and is marked with Bates numbers CHG0008905-921.

79. Attached as **Exhibit 195** is a true and correct copy of VGT's Deposition Exhibit 411, which was used during the deposition of Jason Sprinkle on July 11, 2018, and is marked with Bates numbers CHG0039934-35.

80. Attached as **Exhibit 196** is a true and correct copy of VGT's Valandra Deposition Exhibit 18, which was used during the deposition of Joseph Valandra on September 27, 2018, and is marked with Bates number VGT0056098-99.

81. Attached as **Exhibit 197** is a true and correct copy of VGT's Valandra Deposition Exhibit 18, which was used during the deposition of Joseph Valandra on September 27, 2018, and is marked with Bates number VGT005100-01.

82. Attached as **Exhibit 198** is a true and correct copy of documents produced by CHG during discovery and marked with Bates numbers CHG0094498-512.

83. Attached as **Exhibit 201** is a true and correct copy of documents produced by VGT during discovery and marked with Bates numbers VGT0007075-86, VGT0007118-125.

84. Attached as **Exhibit 202** is a true and correct copy of the declaration of James Marcum dated November 28, 2017, which was produced by VGT during discovery and is marked with Bates number VGT0006765-66.

85. Attached as **Exhibit 203** is a true and correct copy of excerpts from the 30(b)(6) deposition testimony of Daniel Fulton, dated August 1, 2018.

86. Attached as **Exhibit 204** is a true and correct copy of excerpts from CHG's Second Supplemental Objections and Responses to Plaintiff's First Interrogatories to Defendants.

87. Attached as **Exhibit 205** is a true and correct copy of excerpts from CHG's First Supplemental Response to Plaintiff's Fourth Set of Interrogatories.

88. Attached as **Exhibit 206** is a true and correct copy of excerpts from CHG's Response to Plaintiff's Seventh Set of Interrogatories.

89. Attached as **Exhibit 207** is a true and correct copy of documents produced by VGT during discovery and marked with Bates numbers VGT0006992, VGT0007005, VGT0007019, VGT0007022, VGT0007033-34, VGT0007059, VGT0007069-70, VGT0007101.

90. Attached as **Exhibit 208** is a true and correct copy of documents produced by VGT during discovery and marked with Bates numbers VGT0009510-12.

91. Attached as **Exhibit 209** is a true and correct copy of CHG's Deposition Exhibit 2, which was used during the deposition of Craig Eubanks on April 25, 2018.

92. Attached as **Exhibit 210** is a true and correct copy of VGT's Deposition Ex. 181, which was used during the deposition of Josh Larson on April 24, 2018, and is marked with Bates numbers CHG0075949–75950.

93. Attached as **Exhibit 211** is a true and correct copy of VGT's Deposition Ex. 141, which was used during the deposition of Andrew Scheiner on April 19, 2018, and is marked with Bates numbers CHG0087698–87709.

94. Attached as **Exhibit 212** is a true and correct copy of VGT's Deposition Ex. 301, which was used during the deposition of Jason Sprinkle on May 18, 2018, and is marked with Bates numbers CHG0018498–18500.

95. Attached as **Exhibit 213** is a true and correct copy of VGT's Deposition Ex. 303, which was used during the deposition of Jason Sprinkle on May 18, 2018, and is marked with Bates numbers CHG0018545–18546.

96. Attached as **Exhibit 214** is a true and correct copy of VGT's Deposition Ex. 267, which was used during the deposition of Alan Roireau on May 15, 2018, and is marked with Bates numbers CHG0018486–18489.

97. Attached as **Exhibit 215** is a true and correct copy of VGT's Deposition Ex. 138, which was used during the deposition of Andrew Scheiner on April 19, 2018, and is marked with Bates numbers CHG0015727–15729.

98. Attached as **Exhibit 216** is a true and correct copy of VGT's Deposition Ex. 430, which was used during the deposition of Jason Sprinkle on July 11, 2018, and is marked with Bates numbers CHG0019196–19197.

99. Attached as **Exhibit 217** is a true and correct copy of VGT's Deposition Ex. 499, which was used during the 30(b)(6) deposition of Richard Sisson on August 2, 2018, and is marked with Bates numbers CHG0094717–94718.

100. Attached as **Exhibit 218** is a true and correct copy of VGT's Deposition Ex. 378, which was used during the deposition of Paul Suggs on June 8, 2018, and is marked with Bates numbers VGT0006912–6915.

101. Attached as **Exhibit 219** is a true and correct copy of the Declaration of Stacy Friedman in Support of Plaintiff's Motion for Partial Summary Judgment, dated October 12, 2018.

102. Attached as **Exhibit 220** is a true and correct copy of the Declaration of Josh Davis in Support of Plaintiff's Motion for Partial Summary Judgment, dated October 10, 2018.

103. Attached as **Exhibit 221** is a true and correct copy of VGT's Deposition Ex. 141, which was used during the deposition of Andrew Scheiner on April 19, 2018, and is marked with Bates numbers CHG0087698–87709.

104. Attached as **Exhibit 222** is a true and correct copy of excerpts from the deposition testimony of Robert Zeidman, dated September 28, 2018.

105. Attached as **Exhibit 223** is a true and correct copy of excerpts from the deposition testimony of Zachary Schmid, dated June 20, 2018.

106. Attached as **Exhibit 224** is a true and correct copy of a document produced by VGT during discovery and marked with Bates number VGT0007005.

107. Attached as **Exhibit 225** is a true and correct copy of a document produced by VGT during discovery and marked with Bates numbers VGT0019840–855.

108. Attached as **Exhibit 226** is a true and correct copy of a document produced by VGT during discovery and marked with Bates number VGT0007001.

109. Attached as **Exhibit 227** is a true and correct copy of a document produced by CHG during discovery and marked with Bates number CHG0036487.

110. Attached as **Exhibit 228** is a true and correct copy of VGT's Deposition Ex. 488, which was used during the deposition of Al Roireau on August 1, 2018, and is unstamped.

111. Attached as **Exhibit 229** is a true and correct copy of VGT's Deposition Ex. 381, which was used during the deposition of Paul Suggs on June 8, 2018, and is unstamped.

112. Attached as **Exhibit 230** is a true and correct copy of VGT's Deposition Ex. 390, which was used during the deposition of Paul Suggs on June 8, 2018, and is unstamped.

113. Attached as **Exhibit 231** is a true and correct copy of VGT's Deposition Ex. 240, which was used during the deposition of Al Roireau on May 15, 2018, and is marked with Bates number CHG0024884.

114. Attached as **Exhibit 232** is a true and correct copy of VGT's Deposition Ex. 182, which was used during the deposition of Josh Larson on April 24, 2018, and is marked with Bates numbers CHG0082346–53.

115. Attached as **Exhibit 233** is a true and correct copy of VGT's Deposition Ex. 206, which was used during the deposition of Josh Larson on April 24, 2018, and is unstamped.

116. Attached as **Exhibit 234** is a true and correct copy of VGT's Deposition Ex. 205, which was used during the deposition of Josh Larson on April 24, 2018, and is marked with Bates number CHG0024883.

117. Attached as **Exhibit 235** is a true and correct copy of VGT's Deposition Ex. 490, which was used during the deposition of Al Roireau on August 1, 2018, and is marked with Bates numbers CHG0092360-71.

118. Attached as **Exhibit 236** is a true and correct copy of VGT's Deposition Ex. 388, which was used during the deposition of Paul Suggs on June 8, 2018, and is marked with Bates number CHG0086663.

119. Attached as **Exhibit 237** is a true and correct copy of VGT's Deposition Ex. 350, which was used during the deposition of Dan Fulton on May 31, 2018, and is marked with Bates numbers CHG0007866-70.

120. Attached as **Exhibit 238** is a true and correct copy of VGT's Deposition Ex. 385, which was used during the deposition of Paul Suggs on June 8, 2018, and is marked with Bates number CHG0023544.

121. Attached as **Exhibit 239** is a true and correct copy of VGT's Deposition Exhibit 386, which was used during the deposition of Paul Suggs on June 8, 2018, and is marked with Bates number CHG0023729.

122. Attached as **Exhibit 240** is a true and correct copy of VGT's Deposition Ex. 387, which was used during the deposition of Paul Suggs on June 8, 2018, and is marked with Bates numbers CHG0045053-55.

123. Attached as **Exhibit 241** is a true and correct copy of VGT's Deposition Ex. 302, which was used during the deposition of Jason Sprinkle on May 18, 2018, and is marked with Bates numbers CHG0087617-19.

124. Attached as **Exhibit 242** is a true and correct copy of VGT's Deposition Ex. 304, which was used during the deposition of Jason Sprinkle on May 18, 2018, and is marked with Bates numbers CHG0044794-95.

125. Attached as **Exhibit 243** is a true and correct copy of VGT's Deposition Ex. 404, which was used during the deposition of Brandon Booker on July 10, 2018, and is marked with Bates numbers CHG0124577-82.

126. Attached as **Exhibit 244** is a true and correct copy of VGT's Deposition Ex. 44, which was used during the deposition of Aaron Milligan on February 9, 2018, and is marked with Bates numbers CHG0002333-36.

127. Attached as **Exhibit 245** is a true and correct copy of an excerpt of Defendants' Third Supplemental Objections and Responses to Plaintiff's First Interrogatories to Defendants (July 29, 2018).

128. Attached as **Exhibit 246** is a true and correct copy of VGT's Deposition Exhibit 7, which was used during from the deposition of George Weilacher on February 16, 2018, and is marked with Bates numbers CHG0009341-42.

129. Attached as **Exhibit 247** is a true and correct copy of VGT's Deposition Exhibit 11, which was used during the deposition of George Weilacher on February 16, 2018, and is marked with Bates numbers CHG0009351-56.

130. Attached as **Exhibit 248** is a true and correct copy of excerpts from the transcript of the deposition of Aaron Milligan taken on February 9, 2018.

131. Attached as **Exhibit 249** is a true and correct copy of documents produced by CHG during discovery and marked with Bates numbers CHG0008302, CHG0008306.

132. Attached as **Exhibit 250** is a true and correct copy of an excerpt of a document produced by CHG during discovery and marked with Bates numbers CHG0009901-02.

133. Attached as **Exhibit 251** is a true and correct copy of a document produced by CHG during discovery and marked with Bates numbers CHG0011946-54.

134. Attached as **Exhibit 252** is a true and correct copy of a document produced by CHG during discovery and marked with Bates number CHG0011963.

135. Attached as **Exhibit 253** is a true and correct copy of a document produced by CHG during discovery and marked with Bates numbers CHG0014798-801.

136. Attached as **Exhibit 254** is a true and correct copy of a document produced by VGT during discovery and marked with Bates numbers VGT0001788-812.

137. Attached as **Exhibit 255** is a true and correct copy of a document produced by VGT during discovery and marked with Bates numbers VGT0001813-45.

138. Attached as **Exhibit 256** is a true and correct copy of a document produced by VGT during discovery and marked with Bates numbers VGT0052992-95.

139. Attached as **Exhibit 257** is a true and correct copy of VGT's Deposition Exhibit 145, which was used during the deposition of Andrew Scheiner on April 19, 2018.

140. Attached as **Exhibit 258** is a true and correct copy of the webpage at URL <http://www.math.sci.hiroshima-u.ac.jp/~m-mat/MT/VERSIONS/C-LANG/mt19937-64.c> (last visited November 16, 2018).

141. Attached as **Exhibit 259** is a true and correct copy of VGT's Deposition Exhibit 402, which was used during the deposition of Brandon Booker, and is marked with Bates numbers CHG0127083-87.

142. Attached as **Exhibit 260** is a true and correct copy of VGT's Deposition Exhibit 403, which was used during the deposition of Brandon Booker, and is marked with Bates number CHG0009410.

143. Attached as **Exhibit 261** is a true and correct copy of VGT's Deposition Exhibit 405, which was used during the deposition of Brandon Booker, and is marked with Bates numbers CHG0124213-21.

144. Attached as **Exhibit 262** is a true and correct copy of VGT's Deposition Exhibit 461, which was used during the deposition of Seth Morgan, and is marked with Bates numbers CHG0126328-29.

145. Attached as **Exhibit 263** is a true and correct copy of VGT's Deposition Exhibit 475, which was used during the deposition of Seth Morgan, and is marked with Bates numbers CHG0018547-48.

146. Attached as **Exhibit 264** is a true and correct copy of VGT's Deposition Exhibit 476, which was used during the deposition of Seth Morgan, and is marked with Bates numbers CHG0009398-99.

147. Attached as **Exhibit 265** is a true and correct copy of VGT's Deposition Exhibit 464, which was used during the deposition of Seth Morgan, and is marked with Bates numbers CHG0124577-82.

148. Attached as **Exhibit 266** is a true and correct copy of an excerpt from a document CHG produced during discovery and marked with Bates numbers CHG0029691, CHG0029697.

149. Attached as **Exhibit 267** is a physical DVD containing native files for exhibit numbers 148, 155, 165, 166, 168, 174, and 179 as well as source code.

150. Attached as **Exhibit 268** is a true and correct copy of a document provided by CHG during discovery without Bates numbers.

151. Attached as **Exhibit 269** is a true and correct copy of VGT's Deposition Exhibit 417, which was used during the deposition of Jason Sprinkle, and is marked with Bates numbers CHG0090828-830.

152. I declare under penalty of perjury that the foregoing is true and correct.
Executed on November 16, 2018 in Washington, District of Columbia.

/s/ Gary M. Rubman
Gary M. Rubman

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2018, I filed a copy of the foregoing via ECF, which caused service to be effected on the following counsel for Defendants:

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